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interest to Americans, and much information can be secured from Dr. Rathgen's paper on English trade policy. The article by Dr. Ballod on the commercial relations of Germany and the United States, deals with facts familiar to Americans.

The third volume of the series contains two papers, the first of which is a short discussion by Dr. Paul Arndt, of Berlin, of the facts to be considered in concluding a new commercial treaty between Germany and Russia. The second essay of the third volume is by Professor Walther Lotz, of the University of Munich, and discusses in a critical and lucid manner "The Trade Policy of the German Empire under Count Caprivi and Prince Hohenlohe, 1890-1900."

Most of the papers are written by German scholars and consequently reflect, among other things, the feelings and aspirations of Germans regarding the commercial future of the Empire. One noticeable fact is the desire of the Germans to minimize their commercial dependence upon the United States as a source of supply and to augment their trade with Russia. Such a policy would doubtless be an advantageous one to follow, and would be greatly promoted by the development of better and less costly transportation facilities within Germany and Russia.

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Encyklopädie der Rechtswissenschaft. Herausgegeben von DR. KARL BIRKMEYER. Pp. iv, 1,344. Price, 32 m. Berlin: Verlag von O. Häring, 1901.

The new civil code has placed the entire system of German private law upon a new basis. Various features of the public law of the empire have, moreover, been influenced to a greater or less degree by the change. For the old system, von Holtzendorff's well-known Encyclopædia of Jurisprudence represented an admirable survey of the whole field of German public and private law, as well as of the neighboring domains of administration and international law. The repeated editions of this work testified to its usefulness. It was, as a matter of fact, designed as a complete book of reference, not only for the law student, but for the general public as well. Indeed, it would be difficult to find another similar work, in German or any other language, entitled to and actually enjoying so much authority as the old Holtzendorff did. Its various parts were of course of unequal merit, as the parts of every composite work of many authors must necessarily be; but its general standard of reliability and sound scholarship was exceptionally high.

The new conditions established by the recently enacted civil code gave rise to the need for a new work similar in scope and method to

Holtzendorff. The encyclopædia just published by Professor Birkmeyer, of Munich, in collaboration with ten other German jurists, is practically nothing more or less than an attempt to produce an up-to-date Holtzendorff. There are nevertheless some points of difference between the old and the new work. The old encyclopædia contained two parts; in one of them the material was arranged logically and systematically, while in the other part it was arranged alphabetically. It thus served the double purpose of a series of systematic brief text-books concerning the various legal disciplines and that of a dictionary of law. The alphabetical section, moreover, emphasized details of practical importance, while the systematic part was largely confined to theoretical questions and to the general outline of each department of law. This double treatment has been done away with by Professor Birkmeyer. The systematic arrangement of subjects, moreover, is an altered one; the historical sections in the new work, instead of forming separate, distinct parts, now form introductory parts of the systematic sections to which they are most closely related.

Some idea of the scope of the volume, and the authority to which its distinguished authorship entitles it, may be gained from the list of contents: Introduction to Jurisprudence, by Professor Grueber, of Munich; Roman Law, by Professor Paul Joers, of Breslau; History of German Law and Outlines of German Private Law, by Professor H. O. Lehmann, of Marburg; Civil Law, by Professor Franz Bernhoeft, of Rostock; Commercial Law, by Professor Lehmann, of Marburg; Imperial Bankruptcy Law, by Professor F. Hellmann, of Munich; Constitutional and Administrative Law, by Professor Adolf Arndt, of Halle; Church Law, by Professor Paul Hinschius, of Berlin; Criminal Law, by Professor Karl Birkmeyer, of Munich; Criminal Procedure, by Professor Karl von Lilienthal, of Heidelberg; Civil Procedure, by Professor Friedrich Stein, of Halle; International Law, by Professor Franz von Liszt, of Berlin.

The development of legal institutions in Germany is an interesting, although sometimes confusing, subject of study. Roman law, civil and canonical, had been slowly modified under the influence of foreign ideas. At all events, the Roman law which was taught in the German universities, and which was the subject of literary treatment at the hands of German jurists, was impregnated with foreign conceptions. When, moreover, after the fifteenth century, the *Schöffen-gerichte* were supplanted by trained judges familiar only with Roman law thus modified, this Roman law became the common law of the land, because of its application by the courts, and only to the extent that it was practically applied by the courts. In many cases, indeed, the

indigenous legal sentiment differed from Roman standards, and was so deep-seated that the judges did not apply Roman rules. The customary term, "reception of the Roman law," must therefore be employed with caution in speaking of German legal development. Not only were indigenous legal standards permitted to subsist and influence the conduct of courts, but there was a considerable variety of local standards, and often a wide discrepancy in the legal systems of various sections of Germany. So early as 1814 the jurist Thibaut realized the necessity for a general codification of the civil law of Germany. The first important steps in the direction of codification were not taken, however, until the middle of the century, when the German Confederation induced the several states to accept a commercial code which had been previously elaborated by a convention representing the several states of the "Bund." The North German Confederation fortunately had larger legislative powers than its predecessor, and the present empire has inherited the same legislative competency. In 1871 the general commercial code was extended to all parts of the empire, and a criminal code enacted with the same territorial validity. In 1877 a series of further laws continued the work of imperial codification (the *Gerichtsverfassungsgesetz*, *Civilprozessordnung*, *Strafprozessordnung* and *Konkursordnung*). As this legislation extends to the whole empire without restriction, the common law remained valid only as private law, in the cases not otherwise provided for. Even this finally disappeared the first day of January, 1900, when the new civil code—the result of the labor of twenty-two years—became the law of the land. In combination with the laws already enacted, the new code embraces the whole domain of private law. It supersedes the common law and the provincial law except in such cases as are expressly provided for. The code therefore represents the first national system of private law for Germany, and cannot help but contribute powerfully to the development of a national feeling of common interests and common institutions.

It is impossible to give a detailed account of the contents of the present work, or to criticise the treatment of the various parts it contains. The book is prepared primarily for German readers, and a criticism from an American point of view would be out of place. But we do not hesitate to declare that the American student interested in German law since the enactment of the new code will find it difficult to discover a better work of reference, or one apt to convey more succinctly or accurately the information he seeks.

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